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**OFFICE OF PETITIONS**

In re Patent of	:	
Acton, et al.	:	
Patent No. 6,881,231	:	
Issue Date: April 19, 2005	:	Decision on Petition
Application No. 10/014,795	:	
Filing Date: December 14, 2001	:	
Attorney Docket No. 3948-4	:	

This is a decision on the petition under 37 CFR § 1.183, filed July 26, 2005, to waive the rules and accept the correction of the assignee data on the front page of the above-identified patent. The petition is being treated as a request under 37 CFR 3.81 to accept the correction of the assignee data.

The request under 37 CFR 3.81 is **dismissed**.

Effective June 25, 2004, 37 CFR 3.81(b) has been revised to no longer require the correction of the assignee data prior to issuance of the patent. Therefore, a petition to waive the rule is unnecessary. 37 CFR 3.81(b) currently states:

Any request for issuance of an application in the name of the assignee submitted after the date of payment of the issue fee, and any request for a patent to be corrected to state the name of the assignee, must state that the assignment was submitted for recordation as set forth in § 3.11 before issuance of the patent, and must include a request for a certificate of correction under § 1.323 of this chapter (accompanied by the fee set forth in § 1.20(a)) and the processing fee set forth in § 1.17(i) of this chapter.

In other words, the request under 37 CFR 3.81(b) will be granted when:

- (1) a request under 37 CFR 3.81 and the fee set forth in 37 CFR 1.17(i) are filed,
- (2) the assignment was submitted for recordation prior to issuance of the patent, and
- (3) a request for a certificate of correction and the fee set forth in 37 CFR 1.20(a) are submitted.

The instant petition is dismissed because the completed PTOL-1050 previously submitted on April 25, 2005 does not list the correct assignee. It only requests deletion of the incorrect

assignee. Clarification of petitioner's desire is requested. If petitioner desires a Certificate of Correction deleting the incorrect assignee and listing the correct assignee, please submit a completed PTOL-1050 to that effect with any reconsideration petition.

Regarding finances, because petitioner filed the petition under 37 CFR 1.183, a \$400.00 petition fee was charged to petitioner's deposit account. The petition is being treated as a request under 37 CFR 3.81(b). Therefore, only a \$130.00 fee is due. The balance, or \$270.00, will be credited to petitioner's deposit account.

Further correspondence with respect to this matter should be addressed as follows:

**By mail:** Mail Stop PETITION  
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**By FAX:** (571) 273-8300 – ATTN: Office of Petitions

The file is being forwarded to Files Repository.

Telephone inquiries should be directed to the undersigned at (571) 272-3230.

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